

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 125.7 and 2009 Iowa Code Supplement section 135.150(1)“b,” the Department of Public Health hereby amends Chapter 155, “Licensure Standards for Substance Abuse Treatment Programs,” and rescinds Chapter 162, “Licensure Standards for Problem Gambling Treatment Programs,” Iowa Administrative Code.

The amendments provide the Department the ability to license problem gambling and substance abuse treatment programs in Iowa with one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors.

Notice of Intended Action was published in the March 24, 2010, Iowa Administrative Bulletin as **ARC 8628B**, and a public hearing was held on Tuesday, April 13, 2010. No one appeared at the public hearing. Three written comments were received from substance abuse and problem gambling treatment program staff. The comments were generally favorable about the changes and also requested that the Department clarify and update some language.

Several nonsubstantive changes have been made to the amendments published under Notice of Intended Action.

In Item 3, the phrase “to determine appropriate level of care” was added to the definition of “admission criteria,” and the phrase “continued-use or continued-problem” was restored in the defined term “relapse, continued-use or continued-problem potential.” In Item 4, the last sentence in the new definition for “transitional housing” was replaced with new wording. The definitions now read as follows:

“*Admission criteria*” means specific ASAM-PPC-2R criteria to be considered in determining appropriate client/patient placement and resultant referral to a level of care (substance abuse treatment only). Criteria vary in intensity and are organized into categories to be used by treatment programs for assessment, to determine appropriate level of care, and for treatment planning.”

“*Relapse, continued-use or continued-problem potential*” is a category to be considered in the ASAM-PPC-2R criteria. This category evaluates client/patient’s current factors that contribute to relapse potential as it impacts on level of care decision making and treatment planning. Relapse potential may include, but is not limited to, current statements by client/patient about relapse potential, reports from others on potential for client/patient’s relapse, and assessment by clinical staff. Historical information on client/patient’s relapse potential may also be considered. This category may include the client/patient’s understanding of skills in coping with addictive or mental disorders, recognition of relapse triggers, skills to control impulses and ways to cope with relapse potential.”

“*Transitional housing*” means housing that may be offered to individuals who are problem gamblers and who have no other housing alternatives or whose housing alternatives are not conducive to problem gambling recovery. Problem gamblers receiving transitional housing must also be receiving problem gambling treatment services.”

In Item 5, the statement that was noticed as new numbered paragraph “11” of rule 641—155.2(125,135) has been moved to the introductory paragraph of the rule. The introductory paragraph now reads as follows:

“641—155.2(125,135) Licensing. A single license will be issued to each qualifying treatment program. A program shall apply for a license to provide substance abuse treatment, problem gambling treatment, or combined substance abuse and problem gambling treatment. The license will delineate one or more categories of services the program is authorized to provide. Although a program may have more than one facility, only one license will be issued to the program. The categories of services for which licenses will be issued are:”

In Item 12, a second sentence was added to paragraph 155.10(1)“b” in lieu of proposed subparagraphs (1) to (3). Paragraph 155.10(1)“b” now reads as follows:

“b. On-site inspection report results based on the licensure weighting report indicate a score below minimum required for a recommendation of a 270-day license. A program applying for a 270-day license

shall have a minimum score of 70 percent in each of the following standards: clinical, administrative and programming.”

In Item 23, a new sentence was added to subrule 155.18(5), and the subrule now reads as follows:

“**155.18(5)** *Continuation of deemed status.* The program shall submit a copy of all CARF, Joint Commission, COA, or AOA behavioral health accreditation survey reports to the division. Applications for continuation of deemed status shall be submitted pursuant to 155.5(3).”

In Item 36, the proposed new language in paragraph 155.21(12)“c” was not adopted.

In Item 40, the catchwords of subrule 155.21(15) were changed from “urinalysis” to “drug screening,” and new language was added to the end of paragraph 155.21(15)“a.” Paragraph 155.21(15)“a” now reads as follows:

“a. Urine specimens obtained from client/patients shall be collected under direct supervision and analyzed as indicated by the program, or the program shall have a policy in place to reduce the client/patient’s ability to skew the test.”

The Department finds, pursuant to Iowa Code section 17A.5(2)“b”(1), that the normal effective date of the amendments should be waived and these amendments should be made effective July 1, 2010, as directed by the legislation that prompted these amendments.

These amendments were adopted by the State Board of Health on May 12, 2010.

These amendments are intended to implement Iowa Code chapter 125 and 2009 Iowa Code Supplement section 135.150.

These amendments will become effective on July 1, 2010.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 155; rescind Ch 162] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8628B**, IAB 3/24/10.

[Filed Emergency After Notice 5/13/10, effective 7/1/10]

[Published 6/2/10]

[For replacement pages for IAC, see IAC Supplement 6/2/10.]